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Atty Dkt No. APF 40.01  
USSN: 09/846,091  
PATENT

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

The paragraph beginning at page 3, line 14 has been amended as follows:

Figure 1 (SEQ ID NO: 1, SEQ ID NO: 2, and SEQ ID NO: 3) depicts an amino acid sequence alignment of the extracellular domains of the M2 proteins of 37 different influenza type A strains, wherein the amino acid residues in bold text denote the variable amino acid positions.

The paragraph beginning at page 3, line 17 has been amended as follows:

Figure 2 (SEQ ID NO: 9 and SEQ ID NO: 10) shows the M2 coding sequence for the influenza strain A/Kagoshima/10/95 (H3N2) that was used in the methods of Example 1.

The paragraph beginning at page 3, line 22 has been amended as follows:

Figure 4 (SEQ ID NO: 11) is an annotated depiction of the nucleotide sequence of the pM2-FL plasmid.

The paragraph beginning at page 48, line 14 has been amended as follows:

Blood samples were collected two weeks following the second and third immunizations. Sera were analyzed for M2-specific antibody responses using an ELISA assay in which 96-well plates were pre-coated with an M2 synthetic peptide consisting of the following sequence: NH<sub>2</sub>-SLLTEVETPIRNEWECR-COOH (SEQ ID NO:8). ELISA plates were coated with the M2 peptide overnight at 4°C using the peptide in phosphate buffered saline (PBS) at a concentration of 1 µg/ml. On the next day, plates were blocked with 2% bovine serum albumin (BSA) in PBS for 1 hour at room temperature and were then washed three times with wash buffer (10 mM Tris-buffered saline, 0.1% Brij-35). Serum samples, diluted in 1% BSA / PBS / 0.1% Tween-20, were added to the plates and incubated at room temperature for 2 hours. Plates were then washed three times with wash buffer. The detection antibody consisted of a goat anti-swine / horse radish peroxidase conjugate diluted 1:3200 in PBS / 0.1% Tween-20. After addition of the diluted detection antibody, plates were incubated at room temperature for 60 minutes. Plates were again washed three times with wash buffer and 100 µl of TMP substrate was added. After 20 minutes, color development was stopped by the addition of 1N H<sub>2</sub>SO<sub>4</sub>. Plates were read at 450 nm.

In the Sequence Listing:

The paragraphs numbered as <130>, <140> and <141> on page 51 have been amended as follows:

--<130> [APF40] APF40.01

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<140> [09/561,951] 09/846,091

<141> [2000-05-01] 2001-04-30

The following new paragraphs have been inserted into the Sequence Listing on page 51, between paragraphs <141> and <160>:

<150> 60/200,968

<151> 2000-05-01

<150> 60/210,580

<151> 2000-06-08

REMARKS

The Sequence Listing:

In the Notice to File Missing Parts of NonProvisional Application, dated 5 July 2001, the Office objected that applicants have not complied with the appropriate rules for "Sequence Listings" under 37 C.F.R. §1.821 - 1.825. Applicants were given two months in which to comply with these requirements.

In response, applicants initially note that a printed "Sequence Listing" was submitted with the instant application upon filing (see pages 51-57 of the application). In order to comply with the requirements of 37 C.F.R. §1.821(e), that is to also provide a computer readable "Sequence Listing," applicants have herewith specifically requested that the Office use the CRF currently on file in applicants' co-pending US patent application (Serial Number 09/561,951) in the present case since the printed "Sequence Listing" already on file herein and the CRF from 09/561,951 are identical.

Applicants have also submitted herewith a Preliminary Amendment, wherein minor amendments to the specification have been tendered in order to insert "Sequence ID Numbers" into the "Brief Description of the Drawings" and "Experimental" sections. Additionally, minor amendments have been made to the printed version of the "Sequence Listing" in order to correct: (a) the reference to the Attorney Docket Number, (b) the Serial Number and Filing Date, and (c) to insert reference to certain Priority Applications. All of the subject amendments have been provided in both "clean version" and in "marked-up version" in conformance with 37 C.F.R. §1.121(b)(1) parts (ii) and (iii). The "marked-up version" of the instant amendment shows the changes made to the specification by the current amendment. The attached pages are captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE".

The undersigned hereby states that the printed "Sequence Listing" submitted with the application and the computer readable copy of the "Sequence Listing" submitted in applicants' copending application (Serial Number 09/561,951) are identical in accordance with 37 C.F.R. §1.821(e). The undersigned further states that no new matter has been added by way of the instant request to use the CRF from applicants' copending case, and that no new matter has been added by way of the amendments to the specification and printed version of the "Sequence Listing" submitted herewith. Entry of the amendments is thus respectfully requested.

The Missing Parts:

In addition to the Sequence Listing requirements, the Office has objected that the statutory basic filing fee (\$710) and an additional claims fee (\$540) were missing. Applicants were given two months in which to provide these missing parts, along with a late filing fee (\$130).

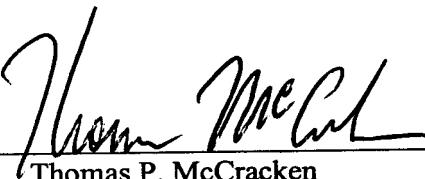
In response, applicants have submitted herewith a Fee Transmittal whereby a payment in the amount of \$1,380 has been made in order to satisfy all of the above-noted fees (pursuant to 37 C.F.R. §§1.27 and 1.16(e)).

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CONCLUSION

Applicants respectfully submit that the application is complete and in good order for examination and further that the claims define an invention which is novel and nonobvious over the art. Accordingly, allowance is believed to be in order and an early notification to that effect is earnestly solicited.

Respectfully submitted,

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